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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,174	12/02/2003	John B. Amundson	H0005443-9950 (1161.11391)	4140
128	7590	11/07/2006	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			GARLAND, STEVEN R	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,174

Applicant(s)

AMUNDSON ET AL.

Examiner

Steven R. Garland

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/27/06, 29 August 2006 and 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,27,28,31-46,48,49 and 52-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16,19,24,27,28,31,33-42,44,48,49,53-61,63,66,67,69-71 and 73 is/are rejected.
- 7) ☒ Claim(s) 17,18,20-23,25,32,43,45,46,62,64,65,68,72 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/27/06.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25,27,28,31-46,48,49, and 52-73 are pending. Claims 26,29,30,47,50, 51 and 52 have been cancelled.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 60,61,63,66,67, and 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith 2004/0245352 (cited by applicant).

Smith 2004/0245352 teaches display of various parameters (fig. 3-4d); setting one or more parameters and displaying the parameter on the display (fig.4c), saving the parameters (paragraphs 0054,0055), and providing a confirmation message on the display (0057) along with day of the week. Smith does not provide a direct indication

after setting a parameter that indicates that the parameter has been saved, but instead provides a review mode to check the saved programming. Smith also teaches display of the programmed values every five seconds. (0057). See the abstract; figures; paragraphs 0042-0057 and the claims.

Smith however does not expressly state that parameters are modified.

It would have been obvious to one of ordinary skill in the art to modify Smith to allow changing of the programming at a later date when the desired heating and/or cooling requirements by the occupants change to maintain occupant comfort.

Note in the review mode when the review button is pushed (which indicates that programming is complete) the review mode allows display of the day (Su, Mo, Tu, etc), modified temperature and provides a confirmation message in the form of an icon for the time of day (morning, night ,etc.) that the associated parameter was changed and that the icon also indicates that the parameter has been saved.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3,8-14,16,19,24,27,28,31,73,33-40,42,48,49,53-55,57, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Cottrell 2002/0005435 (cited by applicant).

Cottrell 2002/0005435 (cited by applicant) teaches a HVAC controller (0003) which can also be used to control humidity (0004);uses programming and allows the

Art Unit: 2125

settings to be saved (0005). Cottrell also teaches the use of time and day (0007), verification that settings have been made (0027); and use of a keypad and alphanumeric display (fig.1). Cottrell in figures 6a-6d shows modification of a parameter, use of a first input (time or temperature in fig. 6b,6c); use of a second input that indicates that modification is complete (14a in fig. 6c); after the second input is accepted providing a visually perceptible word or phrase with a graphical line that explicitly indicates that the parameter is saved (fig. 6d "temporarily set to ... till ..."); use of graphics 0028. Cottrell also provides for displaying a plurality of parameters, selecting a parameter (time or temperature) in an initial step (figs 6b,6c) using a keypad, setting a return period. See the abstract; figures; paragraphs 0003-0007; 0026-0046; 0055-0082; and the claims.

7. Claims 5-7,15,41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cottrell 2002/0005435 (cited by applicant).

Cottrell 2002/0005435 (cited by applicant) teaches a HVAC controller (0003) which can also be used to control humidity (0004);uses programming and allows the settings to be saved (0005). Cottrell also teaches the use of time and day (0007), verification that settings have been made (0027); and use of a keypad and alphanumeric display (fig.1). Cottrell in figures 6a-6d shows modification of a parameter, use of a first input (time or temperature in fig. 6b,6c); use of a second input that indicates that modification is complete (14a in fig. 6c); after the second input is accepted providing a visually perceptible word or phrase with a graphical line that explicitly indicates that the parameter is saved (fig. 6d "temporarily set to ... till ..."); use

of graphics 0028. Cottrell also provides for displaying a plurality of parameters, selecting a parameter (time or temperature) in an initial step (figs 6b,6c) using a keypad, setting a return period. See the abstract; figures; paragraphs 0003-0007; 0026-0046; 0055-0082; and the claims.

Cottrell while teaching control of humidity and temperature 0004 does not specifically state that heating, cooling , and humidity are controlled.

It would have been obvious to one of ordinary skill in the art to apply the system of Cottrell to control heating, cooling, and/or humidity in view of the teaching of Cottrell to maintain occupant comfort and adjust the temperature up or down..

8. Claims 4,56, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cottrell 2002/0005435 as applied to claims 1-3,8-14,16,19,24,27,28,31,73,33-40,42,48,49,53-55,57, and 58 above, and further in view of Smith 2004/0245352 (cited by applicant).

Cottrell 2002/0005435 (cited by applicant) teaches a HVAC controller (0003) which can also be used to control humidity (0004);uses programming and allows the settings to be saved (0005). Cottrell also teaches the use of time and day (0007), verification that settings have been made (0027); and use of a keypad and alphanumeric display (fig.1). Cottrell in figures 6a-6d shows modification of a parameter, use of a first input (time or temperature in fig. 6b,6c); use of a second input that indicates that modification is complete (14a in fig. 6c); after the second input is accepted providing a visually perceptible word or phrase with a graphical line that explicitly indicates that the parameter is saved (fig. 6d "temporarily set to ... till ..."); use

of graphics 0028. Cottrell also provides for displaying a plurality of parameters, selecting a parameter (time or temperature) in an initial step (figs 6b,6c) using a keypad, setting a return period. See the abstract; figures; paragraphs 0003-0007; 0026-0046; 0055-0082; and the claims.

Cottrell however does not teach the use of a touch screen or aural output.

Smith teaches the use of a touch screen and audio output. See abstract and element 134.

It would have been obvious to one of ordinary skill in the art to replace the display and buttons of Cottrell by a single touch screen as taught by Smith to simplify assembly.

Further it would have been obvious to one of ordinary skill in the art to modify Cottrell in view of Smith and also generate an audio output to reinforce/backup the indication of a change in bad lighting conditions.

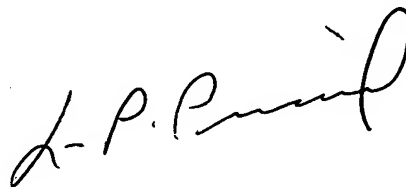
9. Claims 17,18,20-23,25,32,43,45,46,62,64,65,68, and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRG
Steven R Garland
Examiner
Art Unit 2125



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